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EXAMINER

TAYLOR, NICHOLAS R

ART UNIT

PAPER NUMBER

2441

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

1. Claims 1, 4-7, 11-15, 19, 22-25, 29, 32-35, 37, and 38 were presented for examination and are rejected.

### ***Response to Arguments***

2. Applicant's arguments filed June 1st, 2009 have been fully considered but they are deemed not persuasive.

3. In the remarks, Applicant argued in substance that:

(A) The prior art of Landan does not teach wherein the target being tested comprises an object-oriented software component, said object-oriented software component usable to build an application. Landan is merely used to test websites and servers, which differs from object-oriented software components usable to build an application. Such testing provides insight into specific components rather than a server or website in general.

As to point (A), Landan teaches the testing of, for example, a transactional web server (fig. 1 item 30). The web server includes one or more object-oriented software components (e.g., col. 5, lines 2-7 applications 30B of fig. 1) that "provide functionality for implementing one or more business processes, such as setting up a user account or placing an order." Thus, these components are both object-oriented (programming

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functionality encapsulated into a distinct, interacting object) and usable to build an application (wherein individual functionality is combined to build an application, e.g., a transaction interface). As to arguments that EJB component testing would offer particular advantages over more generalized object-oriented component testing, it is respectfully asserted that the current independent claim language is not limited in such a way.

(B) The prior art of Landan is installed on "actual end-users." Applicant's invention is not limited in such a way, and therefore encompasses a broader inventive concept that enables more robust, diverse, and useful testing.

As to point (B), arguments that a portion of the reference teaches away from Applicant's invention are not germane to a rejection under 35 U.S.C. § 102. See MPEP 2131.05.

#### ***Claim Rejections - 35 USC § 102***

4. The rejections under 35 U.S.C. 102(e) as applied to claims 1, 4-6, 11-15, 19, 22-24, 29, 32-33, 35, 37, and 38 are unchanged and are recited in the previous FINAL office action.

#### ***Claim Rejections - 35 USC § 103***

5. The rejections under 35 U.S.C. 103(a) as applied to claims 7, 25, and 34 are unchanged and are recited in the previous FINAL office action.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NT/  
Nicholas Taylor  
Examiner  
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